HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION No.561 of 1998

Dated 19th December 2006

Between:

Smt. Ch. Anjana Devi,
Bhadrachalam, Khammam District.

…….Petitioner

And

The Mandal Revenue Officer,
Bhadrachalam, Khammam District and others.

……Respondents.

HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION No.561 of 1998

O R D E R:

1. Heard Sri P.V. Ramana, the learned counsel representing the writ petitioner and the learned Government Pleader for Revenue.

2. The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondents in interfering with the possession and enjoyment of the lands of the petitioner situated in Old Sy.No.20, which is correlated to Sy.No.20/252 at Bhadrachalam Town to an extent of Ac.0-14 cents, as highly arbitrary, illegal, and without any authority of law and violative of Articles 14 and 21 of the Constitution of India and consequentially to direct the respondents not to interfere with the possession and enjoyment of the lands and to pass such other suitable orders.

3. It is stated that her grand mother late Smt.Nunna

Nagaratnamma purchased land to an extent of Ac.0-14 cents in Sy.No.20, which is situated at Bhadrachalam Town within the specific boundaries, from one Lova Raju for a valid consideration of Rs.1,500/- by way of a registered sale deed vide document No.528 registered in the office of Sub-Registrar, Bhadrachalam on 6-11-1965 and her grand mother also obtained permission from the Executive Officer Gram Panchayat for construction of house on 16-7-1987. Even earlier to that also on 2-6-1977 her grand mother obtained permission from the Tahsildhar, Bhadrachalam to construct the house in the said land. It is also stated that her grand mother executed a Will in her favour on 4-5-1987 for the above said property out of affection for the services rendered to her. It is stated that her grand mother is no more and she alone is legally entitled person to the said property.

4. It is also stated that 15 days before the filing of the writ petition, the Mandal Revenue Officer and Revenue Divisional Officer, along with the subordinate staff inspected the site and stopped the work and thereafter, the respondents are frequently visiting and threatening that the petitioner could not proceed with the construction work. It is also specifically stated that the respondents

came to stop the work on 20-12-1997 and asked the petitioner not to enter upon the lands and not to make constructions. This Court made an interim order in W.P.M.P.No.631 of 1998 as hereunder:-

> "*Until further orders, the petitioner shall not be evicted, but no construction shall be made by the petitioner.*"

5. In the counter affidavit, all the averments made by the petitioner are denied and a specific stand is taken that in the revenue records, the same had been recorded as Gramakanta. The Central Water Commission authority had submitted requisition requesting for alienation of the said land for expansion of their office. Knowing this the petitioner had started construction of the building. Several factual details had been narrated referring to the provisions of APSA LTR 1/59 as amended by Act 1/70. Several grounds raised in the affidavit filed in support of the writ petition also have been specifically answered in the counter affidavit.

6. From the facts, it is clear that no procedure as such had been followed by the respondents before interfering with the possession of the petitioner. The petitioner is asserting her right through a registered sale document

No.528 registered in the office of Sub-Registrar, Bhadrachalam and also by virtue of a Will executed by her grand mother in her favour on 4-5-1987. This Court need not express any further opinion about this aspect.

7. Be that as it may, in the light of the facts and circumstances, this Court is of the considered opinion that it is not just and proper on the part of the respondents to unauthorizedly interfere with the possession of the petitioner unless and until the respondents follow the procedure in accordance with law. The respondents are directed to not to disturb the possession of the petitioner unless and until due process of law is followed.

8. The Writ Petition is disposed of accordingly. No order as to costs.

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(P.S. NARAYANA, J)

Dated 19th December 2006
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